

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLARK DODGE ASSET MANAGEMENT, LLC,
JOSEPH V. DIMAURO,

Plaintiffs,

Civ. No. 17- 05662

-against-

**STIPULATION OF
DISCONTINUANCE**

MICHAEL R. SANDERS, CRAIG R. MARSON,
SALVATORE R. ASTA, KEVIN J. MCCABE, SUSAN
J. HUNTER and 5C CAPITAL MANAGEMENT, LLC,

Defendants,
----- X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned named defendants and their respective attorneys of record in the above-entitled action, that, whereas no summons has issued in this case, whereas none of the defendants has been served or appeared in this case, and whereas no named defendant is an infant or an incompetent person for whom a committee has been appointed and no person not a named defendant has an interest in the subject matter of the action, the undersigned by their counsel hereby stipulate and agree that the within action be, and the same hereby is voluntarily discontinued and each claim asserted therein is dismissed with prejudice and with each party hereto to bear its own costs.

Dated: Garden City, New York

September 3, 2017

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JOSEPH DIMAURO

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